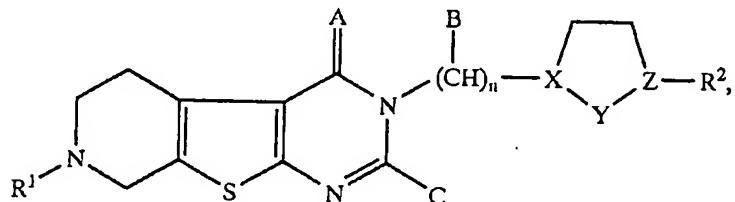


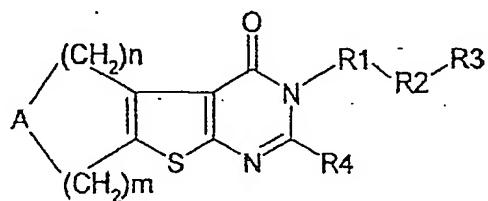
The Examiner contends that Garcia-Ladona et al. (US Pat. 6,750,221) anticipates the compounds identified as group III. Applicants respectfully disagree.

US Pat. 6,750,221 describes compounds of formula (I):



wherein R2 is a phenyl, pyridyl, pyrimidinyl or pyrazinyl group optionally substituted and/or fused to a 5- or 6-membered ring. Thus, even if R2 is a phenyl, pyridyl, pyrimidinyl, or pyrazinyl group which is fused to a 5-membered ring, it is the phenyl, pyridyl, pyrimidinyl, or pyrazinyl moiety that is linked to the rest of the molecule. The suffix -yl is used in organic chemistry to form names of radicals that represent chemically bonded parts of molecules.

The present application claims compounds of formula (I):



wherein R3 is always a 5-membered heteroaryl group that is linked to R2. Thus, the difference between the compounds described in US 6,750,221 and the present application is that in the reference compounds, the group corresponding to R3 always has at least 6 members, while in the presently claimed compounds, R3 always has 5 members.

Moreover, on page 8, lines 18-21 of the present application it is stated that the compounds of the invention comprise the radical R2 linked to a 5-membered

heteroaromatic radical (heteroaryl). Therefore, these compounds are clearly distinct from the compounds described in US Pat. 6,750,221.

It follows, therefore, that irrespective of the meaning of A in formula (I), all of the claimed compounds are characterized in that R3 is a substituent which cannot be found in the corresponding position of the prior art compounds. Thus, there is a technical relationship among the inventions listed as groups I, II, III, and IV involving the same corresponding special technical feature, i.e. the meaning of R3 which defines a contribution over the prior art. The unity of invention referred to in PCT Rule 13.1 is thus fulfilled. Moreover, the same holds true for the inventions listed as groups V and VI since the corresponding claims relate to the production of the use of the compounds of groups I to IV.

Accordingly, Applicants respectfully request the Examiner to reconsider the Restriction Requirement.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

Wood, Phillips, Katz, Clark & Mortimer
500 West Madison Street
Suite 3800
Chicago, IL 60662-2511
Tel.: (312) 876-2109
Fax.: (312) 876-2020



Mark Polyakov
Registration No. 54,377
Attorney for Applicants